

PLANNING DEPARTMENT  
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 201 8 - 22

Acceptance Date:	12/15/17
Website Posting Date:	12/18/17
Determination Date:	12/15/17
Planning Commission Date:	1/9/18
Expiration Date:	1/9/19
Planner Assigned:	JLC

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information

Applicant:	Victoria Leadley		
Mailing Address:	P.O. Box 7136 Kamuela, HI 96743	Phone:	(808) 245-4705 ext. 230
		Email:	jlc@kauai-law.com
Applicant's Status: (Check one)			
<input checked="" type="checkbox"/>	Owner of the Property	(Holder of at least 75% of the equitable and legal title)	
<input type="checkbox"/>	Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.	
<input type="checkbox"/>	Authorized Agent	Attach Letter of Authorization	
Transmittal Date: _____			

Project Information (attach additional sheets, if necessary)

County Zoning District:	Open	Tax Map Key(s):	(4) 5-8-006:022
		Land Area:	7,938
Nature of Development: (Description of proposed structure or subdivision)	Outdoor deck		

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

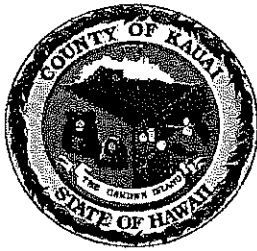
**Part A**

**Shoreline Setback Determination of Applicability (§8-27.1)**

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Properties Not Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 195 feet
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 195 ft.  
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

County of Kauai park lot identified as TMK (4) 5-8-006:030 is between the subject property and the shoreline



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Planner Assigned:

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

fairly level. The lowest portion of the outdoor deck is approximately 6 feet above sea level.

- ☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_

☐ Is the armoring permitted/authorized? \_\_\_\_\_

☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_

- ☒ Is property in coastal floodplain (if checked, what zone)? VE 27 \_\_\_\_\_

- ☒ Has this property been subject to coastal hazards in the past? (If checked, please describe)

Tsunami

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Signature

Date

8/9/17

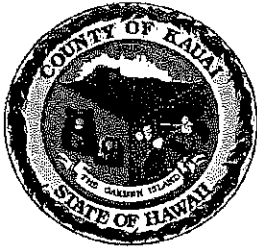
Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

Date

12-15-17



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### Part B

#### **Exemption Determination**

☐ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

  
Planning Director or designee


12-15-17  
Date

\* per stipulated agreement  
on file.

## AUTHORIZATION

VICTORIA A. LEADLEY, whose address is 5-6608 Kuhio Highway, Waimiha, Kauai, Hawaii ("Applicant") hereby authorizes JONATHAN L. CHUN, Esq., of Belas Graham Proudfoot Wilson & Chun, LLP to file Applications on behalf of the Applicant with the Planning Department and the Planning Commission of the County of Kauai and all other governmental agencies, to do all the things necessary to obtain zoning permits, use permits, variance permits, building permits, grading permits, subdivision approvals, SMA use permits and other land use permits required to operate an office and related uses on the Subject Property located at Waimiha, Kauai, Hawaii, more specifically identified as Kauai Tax Map Key No. (4) 5-8-006-022.

DATED: 3/23/17

  
VICTORIA A. LEADLEY

[illegible][illegible]

<b>100%</b>	<b>Accretion Rate</b>
<b>100%</b>	<b>Financing Rate</b>

Statistical detection positions are measured every 0.5 m along the shoreline. These data are displayed by yellow bars perpendicular to the beach. Changes in the position of the observation through time are used to calculate percentage change ratios (PCR) at each detection location.

1827	Feb	1827
1832	Feb	1832
1837	Feb	1837
1842	Feb	1842
1847	Feb	1847
1852	Feb	1852
1857	Feb	1857
1862	Feb	1862
1867	Feb	1867
1872	Feb	1872
1877	Feb	1877
1882	Feb	1882
1887	Feb	1887
1892	Feb	1892
1897	Feb	1897
1902	Feb	1902
1907	Feb	1907
1912	Feb	1912
1917	Feb	1917
1922	Feb	1922
1927	Feb	1927
1932	Feb	1932
1937	Feb	1937
1942	Feb	1942
1947	Feb	1947
1952	Feb	1952
1957	Feb	1957
1962	Feb	1962
1967	Feb	1967
1972	Feb	1972
1977	Feb	1977
1982	Feb	1982
1987	Feb	1987
1992	Feb	1992
1997	Feb	1997
2002	Feb	2002
2007	Feb	2007
2012	Feb	2012
2017	Feb	2017
2022	Feb	2022
2027	Feb	2027
2032	Feb	2032
2037	Feb	2037
2042	Feb	2042
2047	Feb	2047
2052	Feb	2052
2057	Feb	2057
2062	Feb	2062
2067	Feb	2067
2072	Feb	2072
2077	Feb	2077
2082	Feb	2082
2087	Feb	2087
2092	Feb	2092
2097	Feb	2097
2102	Feb	2102
2107	Feb	2107
2112	Feb	2112
2117	Feb	2117
2122	Feb	2122
2127	Feb	2127
2132	Feb	2132
2137	Feb	2137
2142	Feb	2142
2147	Feb	2147
2152	Feb	2152
2157	Feb	2157
2162	Feb	2162
2167	Feb	2167
2172	Feb	2172
2177	Feb	2177
2182	Feb	2182
2187	Feb	2187
2192	Feb	2192
2197	Feb	2197
2202	Feb	2202
2207	Feb	2207
2212	Feb	2212
2217	Feb	2217
2222	Feb	2222
2227	Feb	2227
2232	Feb	2232
2237	Feb	2237
2242	Feb	2242
2247	Feb	2247
2252	Feb	2252
2257	Feb	2257
2262	Feb	2262
2267	Feb	2267
2272	Feb	2272
2277	Feb	2277
2282	Feb	2282
2287	Feb	2287
2292	Feb	2292
2297	Feb	2297
2302	Feb	2302
2307	Feb	2307
2312	Feb	2312
2317	Feb	2317
2322	Feb	2322
2327	Feb	2327
2332	Feb	2332
2337	Feb	2337
2342	Feb	2342
2347	Feb	2347
2352	Feb	2352
2357	Feb	2357
2362	Feb	2362
2367	Feb	2367
2372	Feb	2372
2377	Feb	2377
2382	Feb	2382
2387	Feb	2387
2392	Feb	2392
2397	Feb	2397
2402	Feb	2402
2407	Feb	2407
2412	Feb	2412
2417	Feb	2417
2422	Feb	2422
2427</		

**Erosion rate measurement locations (shore-normal transects)**

selected beach positions, meter coded by year, is determined using airphotoed and georeferenced aerial photographs and National Coastal Survey (NCS) topographic survey charts. The white mark is used as the historical shoreline; an arbitrary change reference is used (1970).

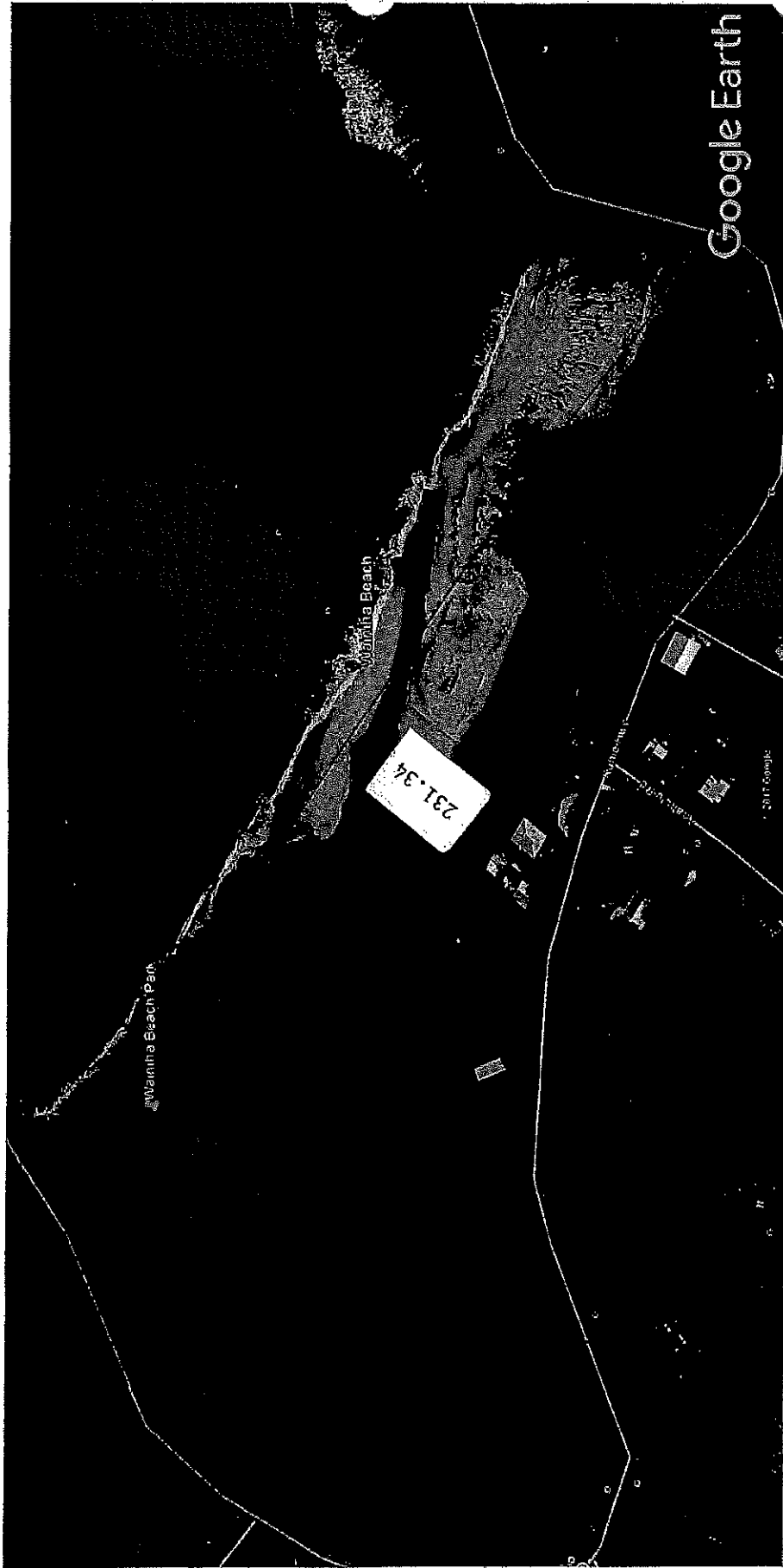
movement of the SCRF along shore-normal transects (expressed every 60 ft) is used to indicate erosion rates.

overweight of the SCRF along shore-normal increments (spaced every 60 ft) is used to adjust the erosion rates.

[illegible]

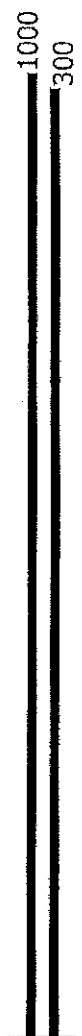
**SAS**  
SAS Institute Inc.



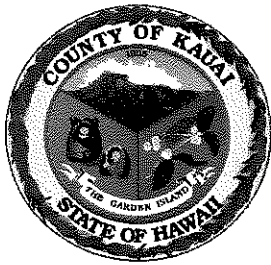


Google Earth

feet  
meters



Google Earth



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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SSD	201 <u>8</u> - <u>23</u>
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Determination Date:	<u>12-15-17</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>12-15-18</u>
Planner Assigned:	<u>JA</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<b>VALERIE KICKHOEFER</b>
Mailing Address:	3918 SCADLOCK LN. SHERMAN OAKS, CA. 91403-4325
Phone:	818-788-5907
Email:	vkick@ucla.edu
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RR-10
Tax Map Key(s):	(4) 5-4-12:11
Land Area:	8.061 AC
Nature of Development: (Description of proposed structure or subdivision)	REPLACEMENT ATRIUM GLASS ROOF

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

### Part A

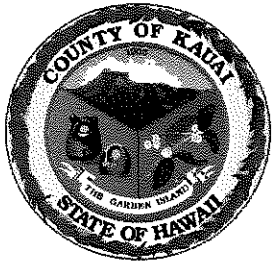
#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 230 FT.
- ☐ Properties Not Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 200 ft.  
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

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## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT TO ROCKY CLFF TO BEACH

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

BEACH AND ROCKS

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☐ Is property in coastal floodplain (if checked, what zone)? \_\_\_\_\_
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

**Applicant's Signature**

Signature

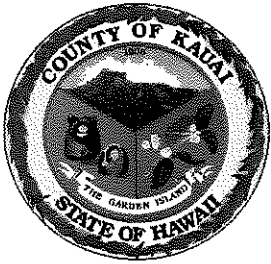
Date

### Applicability (to be completed by Planning Department)

- ☒ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

#### **Exemption Determination**

☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

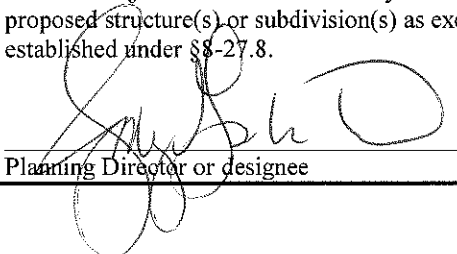
☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

  
Planning Director or designee

12.15.17  
Date

**POU POA UNIT 413  
5454 KA HAKU ROAD**

COUNTY OF KAUAI BUILDING DIVISION  
COUNTY OF KAUAI PLANNING DEPARTMENT

**RE: ATRIUM COVER REPLACEMENT**

**TMK [4] 5-4-021:11; UNIT #413; 5454 KA HAKU ROAD, PRINCEVILLE, HAWAII**

THIS LETTER AUTHORIZES MATTHEW SCHALLER TO ACT ON THE OWNERS BEHALF TO  
SECURE BUILDING PERMITS FOR THE ATRIUM COVER REPLACEMENT  
**TMK [4] 5-04-021:011; UNIT #413; 5454 KA HAKU ROAD, HANALEI, HAWAII**

Aloha Pumehana,

If you have any questions, please feel free to call me at **310-562-9665 (cell)**

**Kickhoefer,  
Valerie**

Digitally signed by Kickhoefer, Valerie  
DN: cn=Kickhoefer, Valerie, o=David Geffen  
School of Medicine, ou=Biological Chemistry,  
email=vkick@mednet.ucla.edu, c=US  
Date: 2017.08.29 16:30:52 -07'00'

---

VALERIE KICKHOEFER

# Untitled Map

Write a description for your map.

## Legend

5454 Ka Haku Rd

Feature 1

Feature 2

Feature 3

230 FT

300 ft

Google Earth

© 2017 Google

4 Ka Haku Rd

Bernard P. Carvalho Jr.  
Mayor



**COPY**  
Lyle Tabata  
Acting County Engineer

Wallace G. Rezentes Jr.  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihue, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

October 30, 2017

3918 Scadlock Lane  
Sherman Oaks, CA 91403-4325  
Attn: Valerie Kickhoefer

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
INTERIOR RENOVATIONS TO UNIT 413 – PU'U PO'A CONDOS BLDG 3  
TMK: (4) 5-4-012:011-0055

Dear Ms. Kickhoefer,

The Kaua'i County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed atrium glass roof replacement to Unit 413 in Building 3 of the Pu'u Po'a Condominiums. The structure contains 8 units. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

There were four (4) other building permits approved for the structure within the past ten years. There is also a building permit for work in Building 3 that is currently under review. The first permit was approved in 2009. Therefore, the market value used in the calculations is the 2009 Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by County's Real Property Assessment Division. The 2009 RCNLD was determined to be \$6,849,600. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

*An Equal Opportunity Employer*

**COPY**

### ***Cost of Improvements***

The cost of improvements for previous building permits are taken from the valuations shown in DPW Building Division records. We reviewed the cost estimate prepared by Sun-Spaces, ABS Construction, LLC that was submitted to the Engineering Division on October 13, 2017. The total cost of replacing the atrium glass roof for Unit 413 was estimated to be \$49,940.80. The cost is summarized as follows for the past 10 years:

BP 09-1637	\$8,000.00
BP 12-0546	\$58,800.00
BP 13-2913	\$20,000.00
BP 15-2538	\$42,000.00
BP 17-2141 In Plan Check	\$46,940.80
BP 17-2143 CURRENT	\$49,940.80
<b>TOTAL COST</b>	<b>\$225,681.60</b>

### ***Summary***

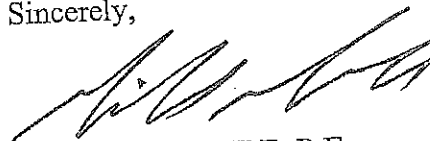
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$225,681.60}{\text{Market Value (Real Property): } \$6,849,600} = 0.0329 \text{ or } 3.3\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,

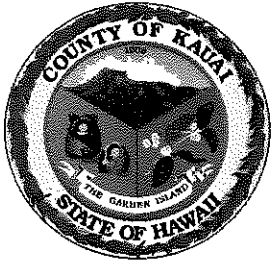


MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI/BV

Copy:

Design and Permitting  
Planning



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Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>12-15-18</u>
Planner Assigned:	<u>Sh</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<b>TRACEY SOUVEREIN</b>
Mailing Address:	6331 ROOKERY RD. FORT COLLINS, CO. 80528
Phone:	970-282-1839
Email:	breckenridgecondorentals@comcast.net
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RR-10
Tax Map Key(s):	(4) 5-4-12:11
Land Area:	8.061 AC
Nature of Development: (Description of proposed structure or subdivision)	<b>REPLACEMENT ATRIUM GLASS ROOF</b>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

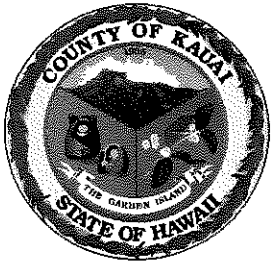
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 230 FT.
- ☐ Properties Not Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 200 ft.  
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

--



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201____ - ____	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT TO ROCKY CLFF TO BEACH

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

BEACH AND ROCKS

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☐ Is property in coastal floodplain (if checked, what zone)? \_\_\_\_\_
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

### Applicant's Signature

Signature

12/5/17

Date

### Applicability (to be completed by Planning Department)



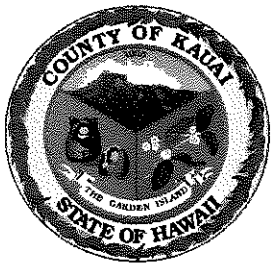
**Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

12.15.17

Date





## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

#### **Exemption Determination**

☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

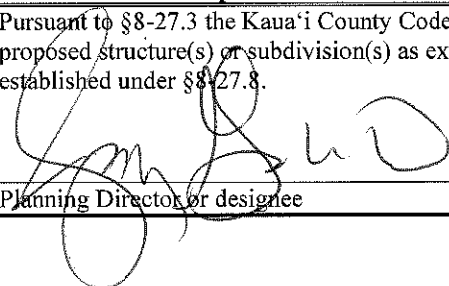
☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kauai County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

  
Planning Director or designee

12-15-17  
Date

**POU POA UNIT 313  
5454 KA HAKU ROAD**

COUNTY OF KAUAI BUILDING DIVISION  
COUNTY OF KAUAI PLANNING DEPARTMENT

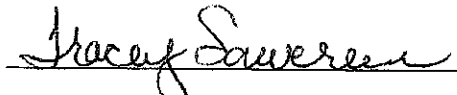
**RE: ATRIUM COVER REPLACEMENT**

**TMK [4] 5-4-021:11; UNIT #313; 5454 KA HAKU ROAD, PRINCEVILLE, HAWAII**

THIS LETTER AUTHORIZES MATTHEW SCHALLER TO ACT ON THE OWNERS BEHALF TO  
SECURE BUILDING PERMITS FOR THE ATRIUM COVER REPLACEMENT  
**TMK [4] 5-04-021:011; UNIT #313; 5454 KA HAKU ROAD, HANALEI, HAWAII**

Aloha Pumehana,

If you have any questions, please feel free to call me at 970-391-8727

  
TRACEY SOUVEREIN

# Untitled Map

Write a description for your map.

- Legend**
- 5454 Ka Haku Rd
  - Feature 1
  - Feature 2
  - Feature 3

230 FT

5454 Ka Haku Rd

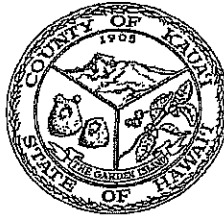
Google Earth

©2017 Google

300 ft



Bernard P. Carvalho Jr.  
Mayor



**COPY**  
Lyle Tabata  
Acting County Engineer

Wallace G. Rezentes Jr.  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

October 30, 2017

6331 Rookery Road  
Fort Collins, CO. 80528  
Attn: Tracey Souverein

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
INTERIOR RENOVATIONS TO UNIT 313 – PU'U PO'A CONDOS BLDG 3  
TMK: (4) 5-4-012:011-0041

Dear Ms. Souverein,

The Kaua'i County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed atrium glass roof replacement to Unit 313 in Building 3 of the Pu'u Po'a Condominiums. The structure contains 8 units. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

There were four (4) other building permits approved for the structure within the past ten years. There is also a building permit for work in Building 3 that is currently under review. The first permit was approved in 2009. Therefore, the market value used in the calculations is the 2009 Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by County's Real Property Assessment Division. The 2009 RCNLD was determined to be \$6,849,600. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

### *Cost of Improvements*

The cost of improvements for previous building permits are taken from the valuations shown in DPW Building Division records. We reviewed the cost estimate prepared by Sun-Spaces, ABS Construction, LLC that was submitted to the Engineering Division on October 13, 2017. The total cost of replacing the atrium glass roof for Unit 313 was estimated to be \$46,940.80. The cost is summarized as follows for the past 10 years:

BP 09-1637	\$8,000.00
BP 12-0546	\$58,800.00
BP 13-2913	\$20,000.00
BP 15-2538	\$42,000.00
BP 17-2143 In Plan Check	\$49,940.80
BP 17-2141 CURRENT	\$46,940.80
<b>TOTAL COST</b>	<b>\$225,681.60</b>

### *Summary*

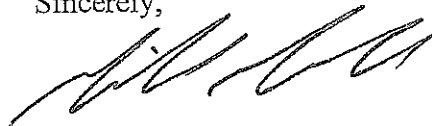
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$225,681.60}{\text{Market Value (Real Property): } \$6,849,600} = 0.0329 \text{ or } 3.3\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

Sincerely,

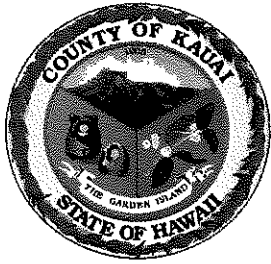


MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI/BV

Copy:

Design and Permitting  
Planning



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>8</u> - <u>25</u>
Acceptance Date:	<u>12-15-17</u>
Website Posting Date:	<u>12-18-17</u>
Determination Date:	<u>12-15-17</u>
Planning Commission Date:	<u>N/A</u>
Expiration Date:	<u>12-15-18</u>
Planner Assigned:	<u>JU</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<b>SUSAN LEARNED-DRISCOLL</b>
Mailing Address:	11 SANDSTONE ST. PORTOLA VALLEY, CA. 94028-8033
Phone:	650-867-0761
Email:	blonder53@gmail.com
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RR-10
Tax Map Key(s):	(4) 5-4-12:11
Land Area:	8.061 AC
Nature of Development: (Description of proposed structure or subdivision)	REPLACEMENT ATRIUM GLASS ROOF

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

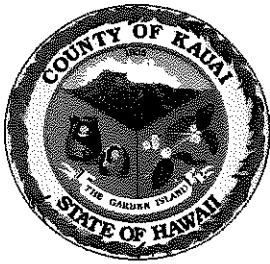
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 230 FT.
- ☐ Properties Not Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 200 ft.  
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

--



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

### FOR OFFICIAL USE ONLY:

SSD 201\_\_ - \_\_

Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT TO ROCKY CLFF TO BEACH

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

BEACH AND ROCKS

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☐ Is property in coastal floodplain (if checked, what zone)? \_\_\_\_\_
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

**Applicant's Signature**

Signature

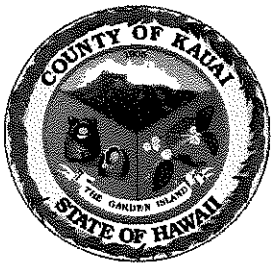
Date

### Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

Date



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### Part B

#### **Exemption Determination**

☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

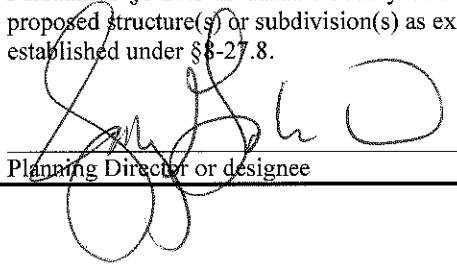
☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

  
Planning Director or designee

12.15.17  
Date



**POU PDA UNIT 411  
5454 KA HAKU ROAD**

COUNTY OF KAUAI BUILDING DIVISION  
COUNTY OF KAUAI PLANNING DEPARTMENT

**RE: ATRIUM COVER REPLACEMENT**

**TMK [4] 5-4-021:11; UNIT #411; 5454 KA HAKU ROAD, PRINCEVILLE, HAWAII**

THIS LETTER AUTHORIZES MATTHEW SCHALLER TO ACT ON THE OWNERS BEHALF TO  
SECURE BUILDING PERMITS FOR THE ATRIUM COVER REPLACEMENT  
**TMK [4] 5-04-021:011; UNIT #411; 5454 KA HAKU ROAD, HANAIEI, HAWAII**

Aloha Pūmehana,

If you have any questions, please feel free to call me at

(650) 851-1058





S. Learned-Driscoll

SUSAN LEARNED-DRISCOLL

# Untitled Map

Write a description for your map.

## Legend

-  Feature 1
-  Feature 2
-  Feature 3
-  Line Measure

230 FT

kenomene

Google Earth

© 2017 Google

Ka Haku Rd

300 ft



Bernard P. Carvalho Jr.  
Mayor



**COPY**  
Lyle Tabata  
Acting County Engineer

Wallace G. Rezentes Jr.  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**  
**County of Kaua'i, State of Hawai'i**  
4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

October 30, 2017

11 Sandstone Street  
Portola Valley, CA 94028-8033  
**Attn: Susan Learned-Driscoll**

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
INTERIOR RENOVATIONS TO UNIT 411 – PU'U PO'A CONDOS BLDG 2  
TMK: (4) 5-4-012:011-0053

Dear Ms. Learned-Driscoll,

The Kaua'i County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed atrium glass roof replacement to Unit 411 in Building 2 of the Pu'u Po'a Condominiums. The structure contains 24 units. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

There were seven (7) other building permits approved for the structure within the past ten years. The first permit was approved in 2011. Therefore, the market value used in the calculations is the 2011 Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by County's Real Property Assessment Division. The 2011 RCNLD was determined to be \$10,854,314. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

### *Cost of Improvements*

The cost of improvements for previous building permits are taken from the valuations shown in DPW Building Division records. We reviewed the cost estimate prepared by Sun-Spaces, ABS Construction, LLC that was submitted to the Engineering Division on October 13, 2017. The total cost of replacing the atrium glass roof for Unit 411 was estimated to be \$49,940.80. The cost is summarized as follows for the past 10 years:

BP 11-1559	\$30,000.00
BP 11-2062	\$20,000.00
BP 12-1298	\$120,000.00
BP 15-0611	\$90,000.00
BP 15-1690	\$5,400.00
BP 16-1049	\$500,000.00
BP 16-1496	\$35,000.00
BP 17-2139	\$49,940.80
CURRENT	
<b>TOTAL COST</b>	<b>\$850,340.80</b>

### *Summary*

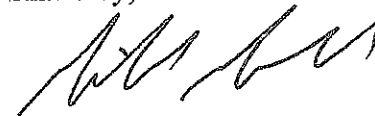
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$850,340.80}{\text{Market Value (Real Property): } \$10,854,314} = 0.07834 \text{ or } 7.8\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

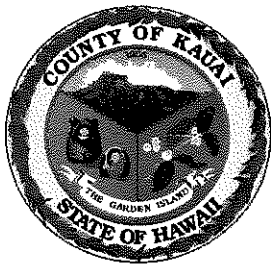
Sincerely,



MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI/BV

Copy: Design and Permitting  
Planning



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>8</u> - <u>26</u>
Acceptance Date:	<u>12.15.17</u>
Website Posting Date:	<u>12.18.17</u>
Determination Date:	<u>12.15.17</u>
Planning Commission Date:	<u>N/A</u>
Expiration Date:	<u>12.15.18</u>
Planner Assigned:	<u>JL</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<b>PAUL LaBELLA</b>
Mailing Address:	P.O. BOX 23584 PRINCEVILLE, HI. 96722
Phone:	333-693-3022
Email:	paul_labela@hotmail.com
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RR-10
Tax Map Key(s):	(4) 5-4-12:11
Land Area:	8.061 AC
Nature of Development: (Description of proposed structure or subdivision)	REPLACEMENT ATRIUM GLASS ROOF

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

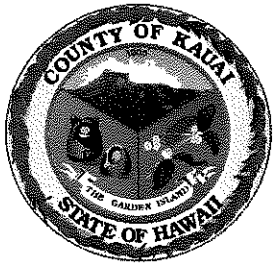
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 360 FT.
- ☐ Properties Not Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☒ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 200 ft.  
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

--



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 -	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

FLAT TO ROCKY CLFF TO BEACH

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

BEACH AND ROCKS

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☐ Is property in coastal floodplain (if checked, what zone)? \_\_\_\_\_
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

### Applicant's Signature

Signature

Date

12/5/17

### Applicability (to be completed by Planning Department)

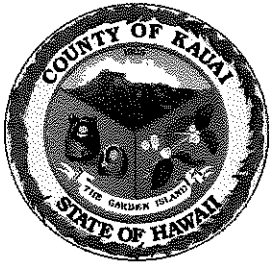


**Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

Date

12-15-17



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

#### **Exemption Determination**

☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

  
Planning Director or designee

12.15.17  
Date

PUU POA UNIT 304  
5454 KA HAKU ROAD

COUNTY OF KAUAI BUILDING DIVISION  
COUNTY OF KAUAI PLANNING DEPARTMENT

RE: ATRIUM COVER REPLACEMENT  
TMK [4] 5-4-021:11; UNIT #304; 5454 KA HAKU ROAD, PRINCEVILLE, HAWAII

THIS LETTER AUTHORIZES MATTHEW SCHALLER TO ACT ON THE OWNERS BEHALF TO  
SECURE BUILDING PERMITS FOR THE ATRIUM COVER REPLACEMENT  
TMK [4] 5-04-021:011; UNIT #304; 5454 KA HAKU ROAD, HANALEI, HAWAII

Aloha Pumehana,

If you have any questions, please feel free to call me at 1-836-693 3022

A handwritten signature in cursive script, reading "Paul LaBella", is written over a horizontal line.

PAUL LaBELLA



# Untitled Map

Write a description for your map.

## Legend

- Feature 1
- Feature 2
- Feature 3
- GotPrinceville.com
- Line Measure
- Pali Ke Kua

360 FT

Kenomene

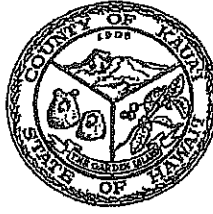
Ka Haku Rd

500 ft

Google Earth

© 2017 Google

**Bernard P. Carvalho Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezentes Jr.**  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

COPY

October 30, 2017

PO BOX 23584  
Princeville, HI 96722  
Attn: Paul LaBella

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
INTERIOR RENOVATIONS TO UNIT 304 – PU'U PO'A CONDOS BLDG 1  
TMK: (4) 5-4-012:011-0032

Dear Mr. LaBella,

The Kaua'i County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed atrium glass roof replacement to Unit 304 in Building 1 of the Pu'u Po'a Condominiums. The structure contains 24 units. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

There were seven (7) other building permits approved for the structure within the past ten years. There is also a building permit for work in Building 1 that is currently under review. The first permit was approved in 2008. Since the Replacement Cost New Less Depreciation (RCNLD) was not used for the assessment in the year 2008, the market value used in the calculations is the 2008 Assessed Building Value for the structure as determined by the County's Real Property Assessment Division. The 2008 Assessed Building Value was determined to be \$30,374,400. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or RCNLD)

COPY

***Cost of Improvements***

The cost of improvements for previous building permits are taken from the valuations shown in DPW Building Division records. We reviewed the cost estimate prepared by Sun-Spaces, ABS Construction, LLC that was submitted to the Engineering Division on October 24, 2017. The total cost of replacing the atrium glass roof for Unit 304 was estimated to be \$46,940.80. The cost is summarized as follows for the past 10 years:

BP 16-0470	\$5,000.00
BP 13-2338	\$60,000.00
BP 10-2245	\$5,000.00
BP 10-0886	\$40,000.00
BP 10-0495	\$37,500.00
BP 08-0424	\$15,000.00
BP 07-1526	\$35,000.00
BP 17-1959 In Plan Check	\$100,000.00
BP 17-2142 CURRENT	\$46,940.80
<b>TOTAL COST</b>	<b>\$344,440.80</b>

***Summary***

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$344,440.80}{\text{Market Value (Real Property): } \$30,374,400} = 0.01134 \text{ or } 1.13\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or [siwamoto@kauai.gov](mailto:siwamoto@kauai.gov).

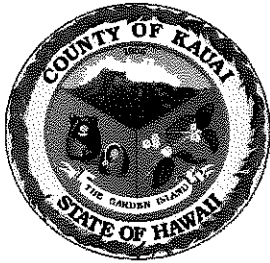
Sincerely,



MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI/BV

Copy: Design and Permitting  
Planning



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>8</u> - <u>27</u>	
Acceptance Date:	<u>12-15-11</u>
Website Posting Date:	<u>12-18-11</u>
Determination Date:	<u>12-18-11</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>12-15-18</u>
Planner Assigned:	<u>JL</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: <b>ANINI BEACH HALE LLC</b>	
Mailing Address: <u>1100 ALAKEA ST. SUITE 2500</u> <u>HONOLULU, HI. 96813</u>	Phone: <u>212-4006</u> Email: <u>scombs@princeville.com</u>
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an <b>unexpired and recorded</b> lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>open</u>	Tax Map Key(s): <u>(4) 5-3-007:006</u>
	Land Area: <u>32,813 SF</u>
Nature of Development: (Description of proposed structure or subdivision)	<b>REPLACE EXISTING ROOF, ADD ENTRY PORCH</b> <i>ROOF</i>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,  
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

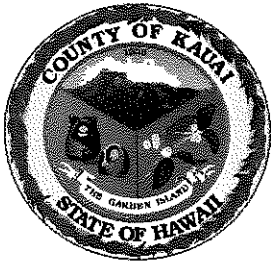
### Part A

#### Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☒ Properties Abutting the Shoreline  
☒ Project's approximate distance from shoreline: 150 FT
- ☐ Properties Not Abutting the Shoreline  
☐ Project's approximate distance from shoreline: \_\_\_\_\_
- ☐ Additional Information:  
☒ Closest distance of improvement(s) from Shoreline is approximately 150 FT ft.  
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

ANINI ROAD IS BETWEEN PROJECT, AND SHORELINE. PRCAL INCLUDES ANINI ROAD



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201__ - __	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

3FT AMSL TO 6FT AMSL

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

BEACH

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): \_\_\_\_\_
- ☐ Is the armoring permitted/authorized? \_\_\_\_\_
- ☐ Date of authorization (attach copy of authorization letter): \_\_\_\_\_
- ☒ Is property in coastal floodplain (if checked, what zone)? VE 11
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Signature

Date

12/5/17

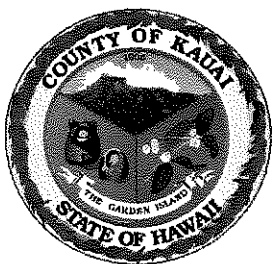
### Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Planning Director or designee

Date

12.15.17



## PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

### **Part B**

#### **Exemption Determination**

☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

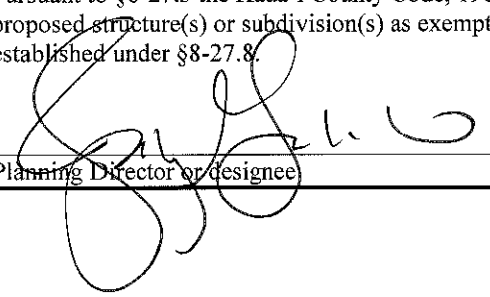
☒ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☒ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

#### **Exemption Determination (to be completed by Planning Department)**

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.





  
Planning Director or designee

12.15.17  
Date

# Untitled Map

ANINI BEACH HOUSE

## Legend

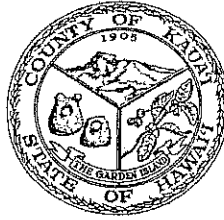
-  Anini
-  Anini Kama'aina Hale
-  Feature 1
-  Line Measure



Google Earth

© 2017 Google

**Bernard P. Carvalho, Jr.**  
Mayor



**Lyle Tabata**  
Acting County Engineer

**Wallace G. Rezentes, Jr.**  
Managing Director

**DEPARTMENT OF PUBLIC WORKS**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

November 30, 2017

'Anini Beach Hale LLC  
1100 Alakea St. Suite 2500  
Honolulu, HI 96813

Subject: SHORELINE SETBACK APPLICATION  
SUBSTANTIAL IMPROVEMENT DETERMINATION  
'ANINI BEACH HALE LLC, REPLACE EXISTING ROOF, ADD ENTRY PORCH  
TMK: (4) 5-3-007:006

**PW 11.17.080**

To whom it may concern;

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed porch additions and roof replacement work. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations follows.

***Market Value***

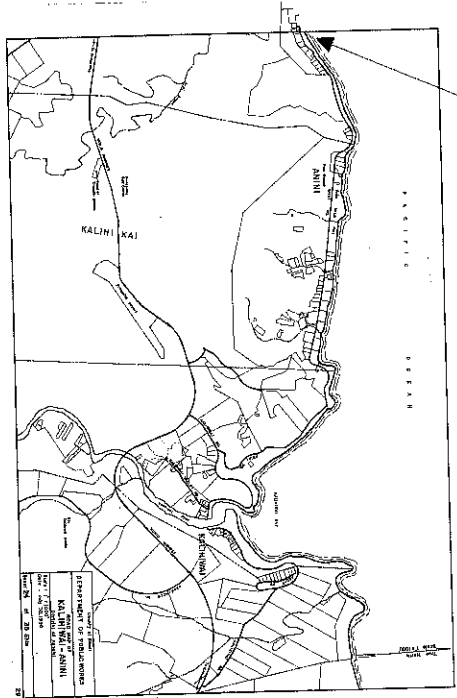
There were no building permits approved for the structure within the past 10 years. Therefore, the market value used in the calculations is the current Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by the County's Real Property Assessment Division. The 2017 RCNLD was determined to be \$107,900. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

***Cost of Improvements***

The total cost of improvements for the proposed porch additions and roof replacement work was provided in a cost estimate prepared by general contractor Michael Lander. The cost estimate



# PROJECT LOCATION



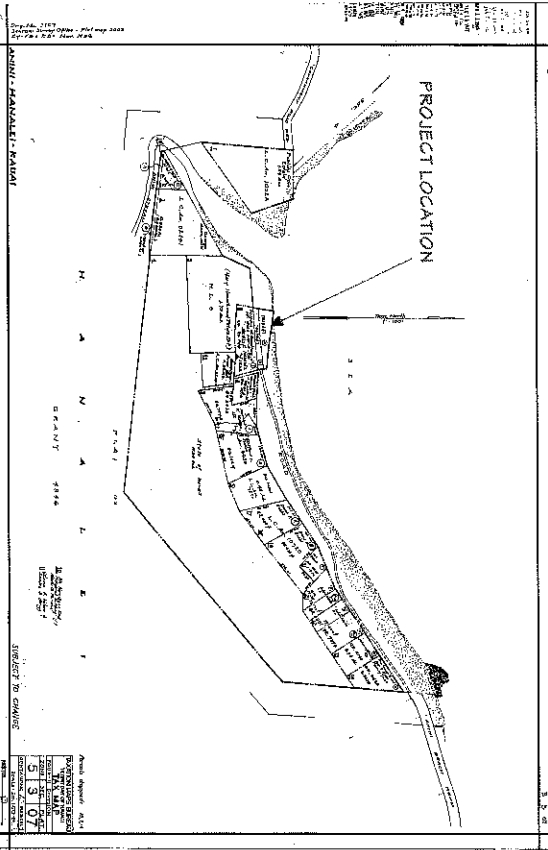
LOCATION MAP

- SCOPE OF WORK:
- REMOVE EXISTING ROOF
  - REPLACE WITH NEW TRUSSES AND RAFTERS
  - ADD ENTRY PORCH

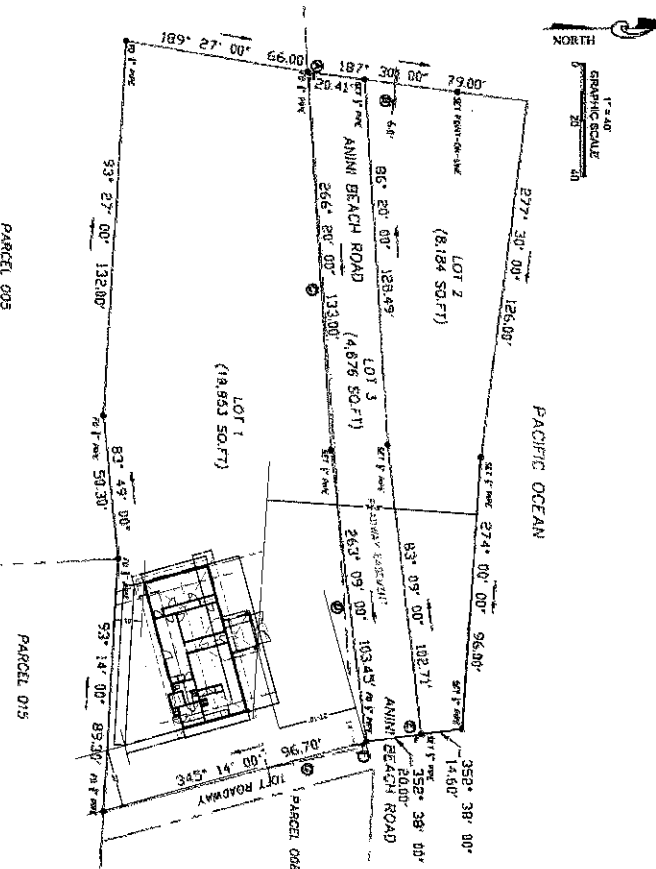
COUNTY OF KAUAI  
CHAPTER 12 KAUAI COUNTY BUILDING CODE  
KAUAI COUNTY CODE 1997, AS AMENDED  
ARTICLE 4. ENEGY CODE

I certify that the design is in compliance with the Energy Code provisions for  
Section 12-5.6. Adoption of the International Energy Conservation Code (IECC)  
Section 12-5.6. Local Amendments to the IECC

Signature: MATTHEW SCHALLER Date: 10/31/17  
Name: MATTHEW SCHALLER  
Title: ARCHITECT  
License No.: AS-4103



VICINITY MAP



SITE PLAN

SCALE: 1"=25'-0"

SP-1

SITE PLAN  
LOCATION MAP  
VICINITY MAP

10/31/17

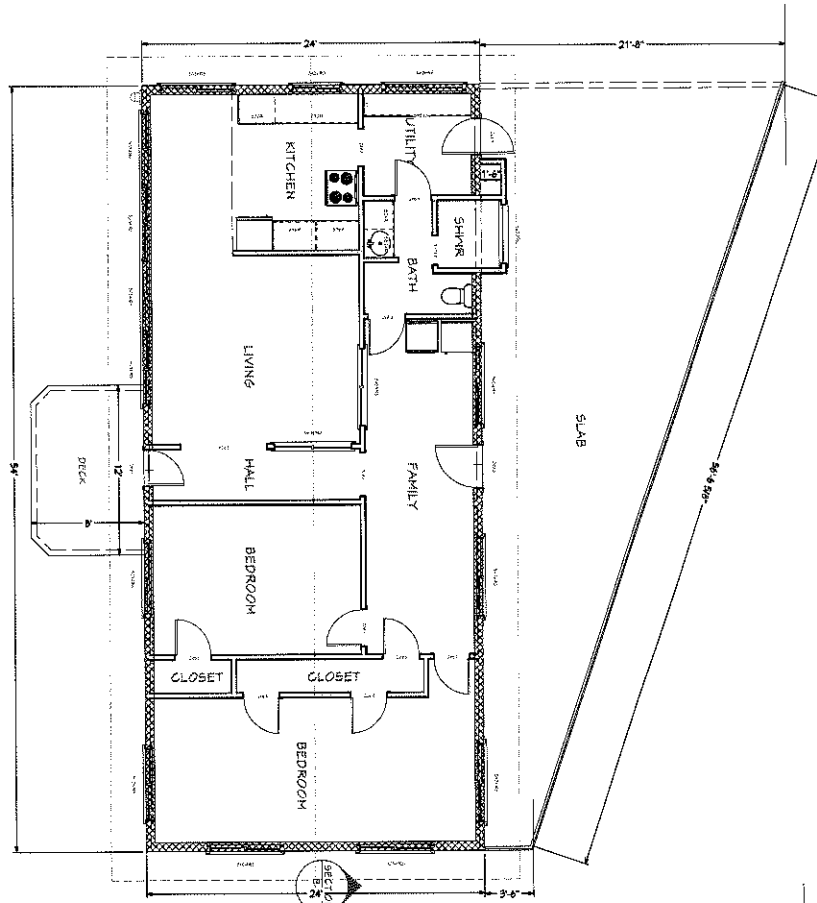
MATTHEW SCHALLER, ARCHITECT INC.  
P.O. BOX 120 HANALEI, KAUAI, HAWAII 96714 (808) 826-4699; FAX 826-9697  
ANINI ROOF MODIFICATIONS  
TMK 5-3-007:006; 4371 ANINI ROAD

THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION AND  
CONSTRUCTION OF THIS PROJECT  
WILL BE UNDER MY OBSERVATION.

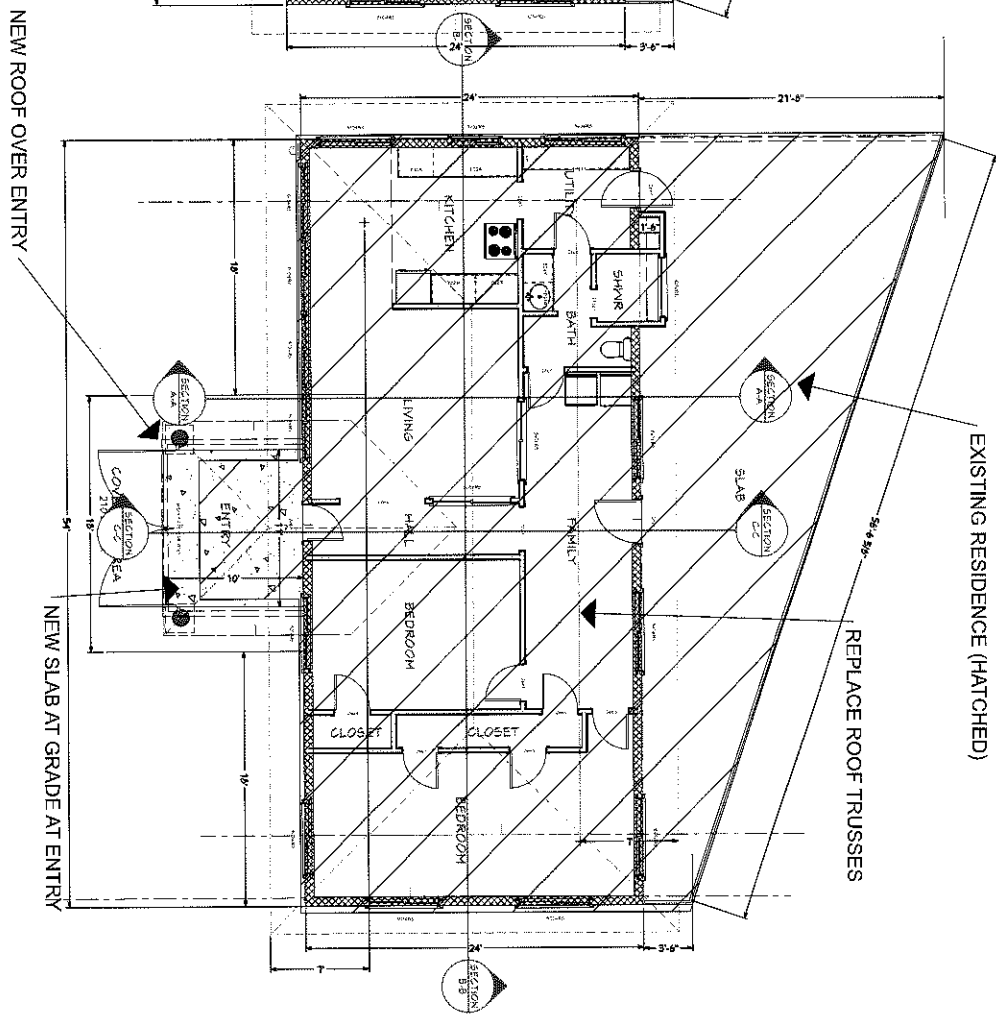
Signature: MATTHEW SCHALLER  
EXP 4-30-18

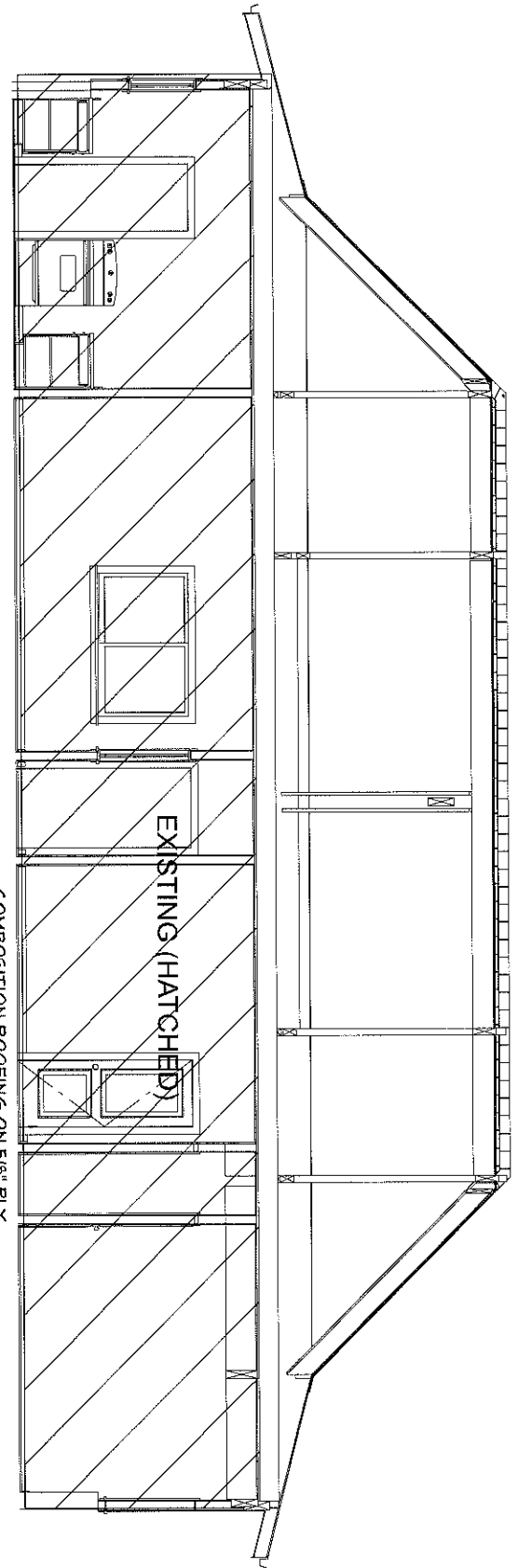


EXISTING FLOOR PLAN  
SCALE 1/8"=1'-0"



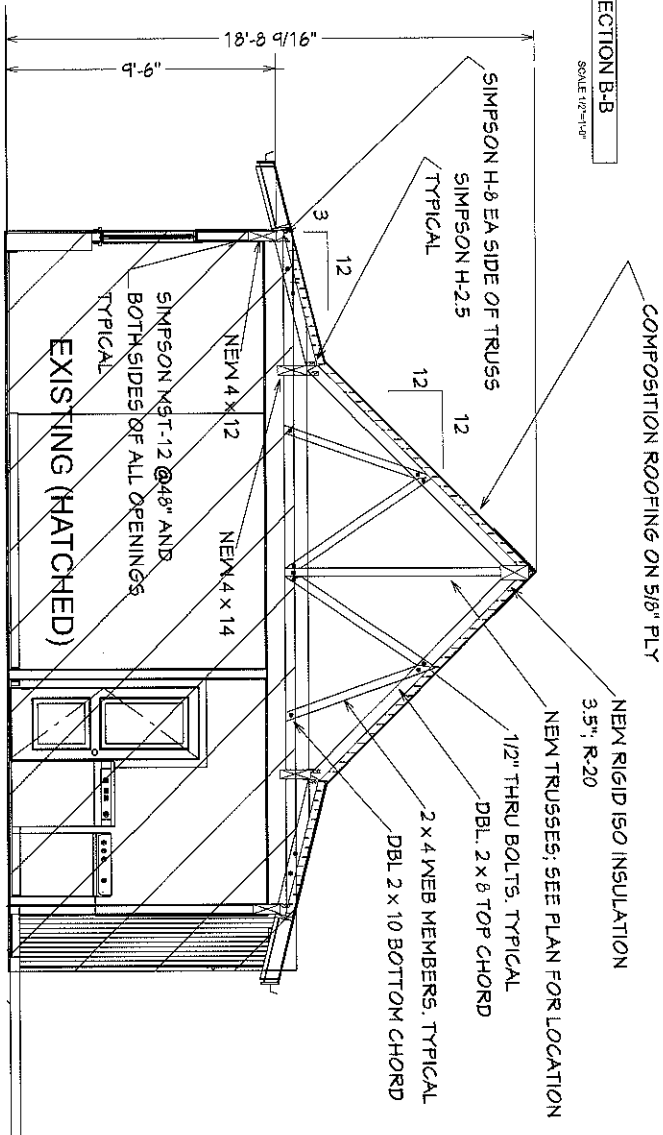
NEW FLOOR PLAN  
SCALE 1/8"=1'-0"





SECTION B-B

SCALE 1/2"=1'-0"



SECTION A-A

SCALE 1/2"=1'-0"

MATTHEW SCHALLER, ARCHITECT INC.  
P.O. BOX 120 HANALEI, KAUAI, HAWAII 96714 (808) 826-4699; FAX 826-9697  
ANINI ROOF MODIFICATIONS  
TMK 5-3-007:006; 4371 ANINI ROAD

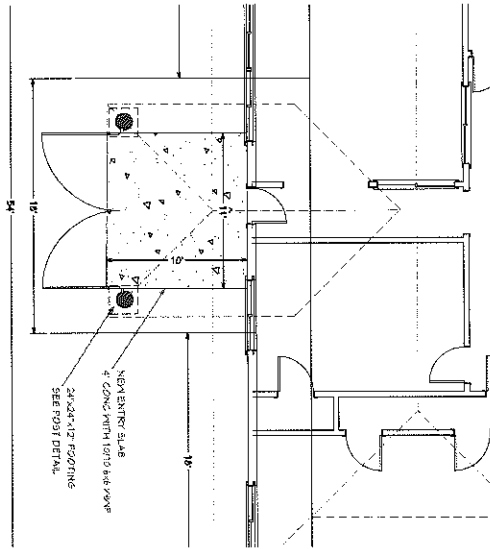
THIS WORK WAS PREPARED BY ME  
OR UNDER MY SUPERVISION AND  
CONSTRUCTION OF THIS PROJECT  
WILL BE UNDER MY SUPERVISION.  
Signature  
EXP 4-30-18



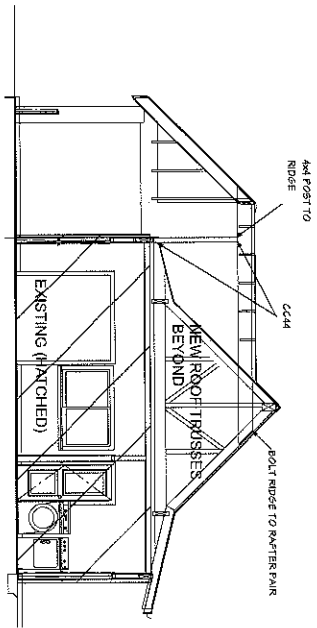
SECTIONS

10-21-17

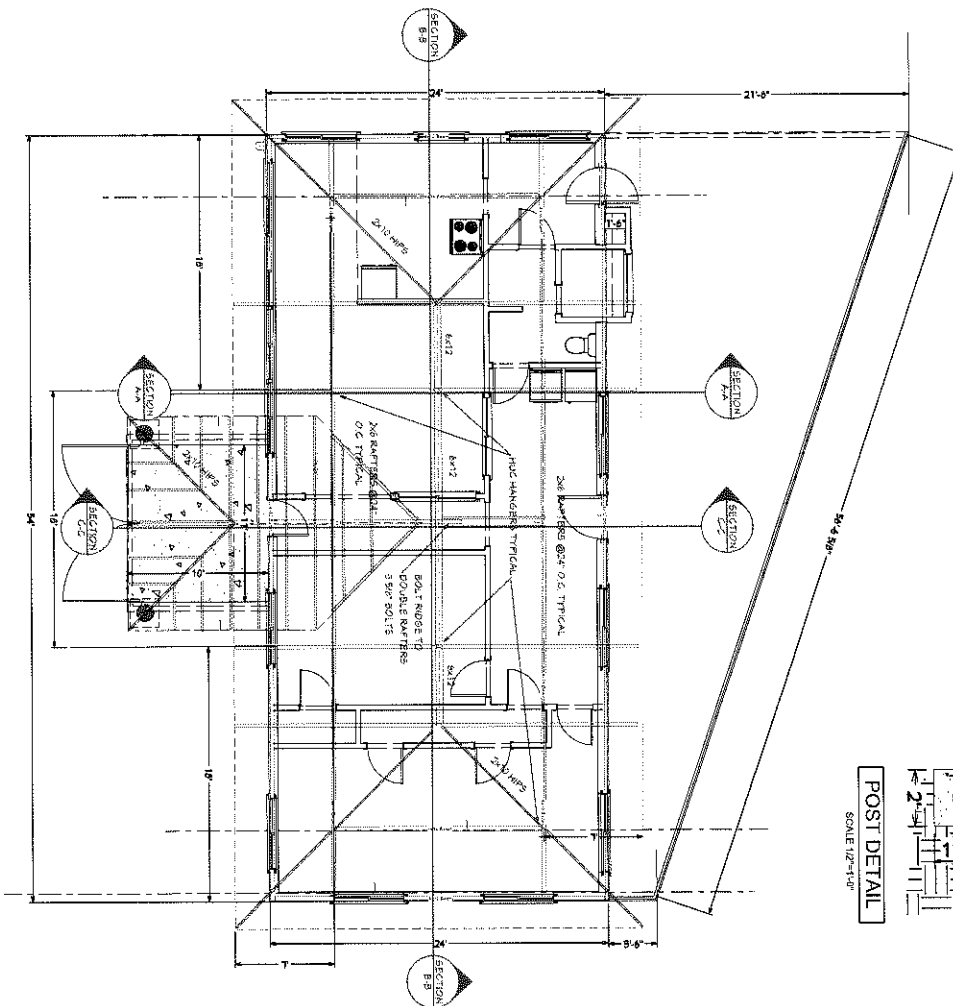
A-2



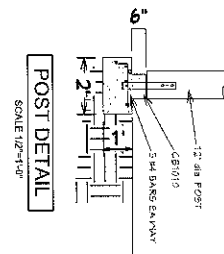
ENTRY PLAN  
SCALE 1/4"=1'-0"



SECTION C-C  
SCALE 1/4"=1'-0"



ROOF FRAMING PLAN  
SCALE 1/8"=1'-0"



POST DETAIL  
SCALE 1/2"=1'-0"



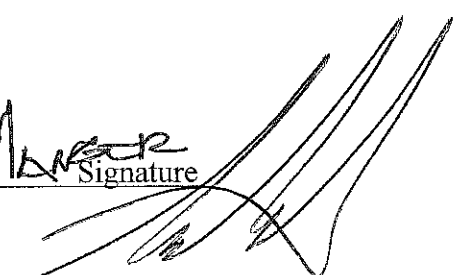
December 5, 2017

County of Kauai  
Planning Department  
4444 Rice Street  
Lihue, Hawaii 96766

To Whom It May Concern:

The following named person, Matthew Schaller whose specimen signature as indicated is herewith authorized as an Agent of Authority to sign documents in connection with TMK (4) -5-3-007-006 at 4371 Anini Road, Anini Beach Hale LLC.

Name of Company: PRW Princeville Development Company LLC  
Address: 5-3900 Kuhio Highway, Suite 201  
Princeville, Hawaii 96722

Name SEAN COMBS Title RESORT MANAGER Signature 

Matthew Schaller, Architect

12.5.17

Any further additions or deletions will be made in writing.

Sincerely,

Sean Combs  
Resort Manager